



Idaho Department of Environmental Quality Final §401 Water Quality Certification

December 5, 2008

NPDES Permit Number: **IDR05-0000** Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et.seq., and 39-3601 et.seq., the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollution Discharge Elimination System (NPDES) permits and issue a water quality certification decision.

DEQ certifies that if the permittees comply with the terms and conditions imposed by the above-referenced permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the discharges will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities.

CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH WATER QUALITY STANDARDS

Monitoring for Numeric Effluent Limitations

Given the inherent variability in stormwater discharges, monitoring for parameters with numeric effluent limitations must occur twice per year.

Follow-up Monitoring for Benchmark Concentrations

If all four quarterly samples do not exceed the benchmark, then the permittee is not required to conduct any additional quarterly monitoring for that parameter. If any of the four quarterly samples exceed the benchmark, then the permittee must follow the additional requirements in Section 6.2.1.2 of the MSGP, with the following modification:

- If the permittee elects to make any necessary modifications and continue quarterly monitoring, such monitoring must occur until the results from four consecutive quarters of monitoring are less than the benchmark concentration.

Monitoring of Discharges to Impaired Waters with an applicable WLA in an EPA-approved TMDL

In order to waive any additional monitoring as allowed by the permit, the permittee must also include documentation in their SWPPP that the pollutant(s) of concern is not expected to be present in the discharge. If such documentation can not be made, then the permittee must conduct annual monitoring for the duration of the permit.

Stormwater Pollution Prevention Plan (SWPPP) Availability

If requested by DEQ, the permittee must submit a copy of the SWPPP to DEQ within fourteen (14) days of the request.

Reporting

Copies of the following information must be sent to the appropriate DEQ regional office:

- NOIs for facilities with stormwater discharges to impaired waters
- Monitoring data collected pursuant to Parts 6.2 and 6.3 of the MSGP, as well as any additional monitoring required by this final water quality certification
- Exceedance Reports

Both monitoring data and exceedance reports must be sent to the appropriate DEQ regional office within thirty (30) days of receipt of analytical results. Information regarding impaired waters and approved TMDLs may be obtained from the appropriate regional DEQ office. Contact information for DEQ offices can be obtained from http://www.deq.idaho.gov/about/contact_us.cfm.

CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH OTHER APPROPRIATE REQUIREMENTS OF STATE WATER QUALITY LAW

Reporting of Discharges Containing Hazardous Materials or Oil

Any unauthorized discharges containing hazardous materials or oil must be reported to the Idaho State Communications Center (1-800-632-8000) or to the appropriate DEQ Regional Office (IDAPA 58.01.02.850).

Regional Office	Phone #	Regional Office	Phone #
Boise	(208) 373-0550	Lewiston	(208) 799-4370
Coeur d'Alene	(208) 769-1422	Pocatello	(208) 236-6168
Idaho Falls	(208) 528-2650	Twin Falls	(208) 736-2190

Sector L – Stormwater and Leachate

Stormwater entering a landfill must be managed as leachate, including run off from areas that have received daily cover which may have contacted waste material, and thus is not eligible for coverage under the MSGP (40 CFR 258.26(a)(2); Municipal Solid Waste Landfill Criteria Technical Manual, EPA 530-R-93-017, 1998). Stormwater from a closed landfill or from areas of the landfill that have received final cover is not leachate and may be covered under the MSGP.

ALTERNATIVE LIMITATIONS

Benchmark Values

The benchmark value for selenium (Sectors G, K) is equal to 0.005 mg/L, which is equivalent to the chronic water quality criterion. Given storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as a benchmark values. Therefore, benchmark values for selenium can be set equal to the acute criterion of 0.02 mg/L and still comply with Idaho WQS.

ADDITIONAL CONDITIONS

This certification is conditioned upon the requirement that any material modification of the permit or the permitted activities shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to §401.

RIGHT TO APPEAL FINAL CERTIFICATION

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this final certification should be directed to Johnna Sandow, State Office IDEQ at (208) 373-0163 or Johnna.Sandow@deq.idaho.gov.



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